

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-3, 7-22, 24-32, 36-51, 53-59 and 61-68 are presently pending. Claims amended herein are 1, 3, 7-9, 11, 19, 24-26, 30, 32, 36, 38, 40, 48, 53-55, 59, 61, 62, 65, 66 and 68. Claims withdrawn or cancelled herein are 4-6, 23, 33-35, 52 and 60. There are no new claims added herein.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously talked with me—the undersigned representative for the Applicant on November 15, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, I discussed how the claims differed from the cited art, namely Chung, Stanko and Howard. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0006]** The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments would make in necessary for the Examiner to review the cited art more carefully and/or do another search.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

#### **Formal Request for an Interview**

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

#### **Claim Amendments and Additions**

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 3, 7-9, 11, 19, 24-26, 30, 32, 36, 38, 40, 48, 53-55, 59, 61, 62, 65, 66 and 68 herein.

## **Formal Matters**

**[0011]** There are no out-standing formal matters in the application.

## **Substantive Matters**

### **Claim Rejections under § 112**

**[0012]** Claims 16, 17, 19 and 48 are rejected under 35 U.S.C. § 112, 2<sup>nd</sup> ¶. In light of the amendments presented herein as discussed during the Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Claim Rejections under §§ 102 and/or 103**

**[0013]** Claims 1-68 are rejected under 35 U.S.C. § 102 and/or § 103. In light of the claim amendments provided and the reasons given herein, Applicant submits that these rejections are not valid. Accordingly, Applicant asks the Examiner to withdraw these rejections.

**[0014]** The Examiner's rejections are based upon the following references alone and/or in combination:

- **Chung:** *Chung, et al.*, US Patent Application Publication No. 2003/0026462 (filed July 30, 2002);
- **Stanko:** *Stanko*, US Patent Application Publication No. 2005/0074126 (filed Jan. 29, 2002);
- **Goldstein:** *Goldstein*, US Patent No. 7,185,206 (issued Feb. 27, 2007);
- **Howard:** *Howard, et al.*, US Patent Application Publication No. 2004/0103064 (filed Nov. 26, 2002);

- **Bull:** *Bull, et al.*, US Patent No. 6,799,270 (issued Sept. 28, 2004);

## **OVERVIEW OF THE APPLICATION**

[0015] The Application describes a technology for use in authenticating credential information and allowing such credential information to be exchanged over non-secure channels in a safe and protected manner. The authenticating credential information can be cryptographically modified for protection.

### **Cited References**

[0016] The Examiner cites Chung as its primary references in its anticipation and/or obviousness-based rejections. The Examiner cites Stanko, Goldstein, Howard and Bull as its secondary reference in its obviousness-based rejections.

#### *Chung*

[0017] Chung describes a technology for registering voters using a computer and a server in communication via a network. In order to register voters, data and a digitized signature or biometric information is communicated from the computer to the server.

#### *Stanko*

[0018] Stanko describes a technology for using an authentication server to authenticate a client request to access a secure server.

Goldstein

[0019] Goldstein describes a technology for encrypting digitized x-ray radiographs for transmission over a network.

Howard

[0020] Howard describes a technology for using a smart card in order to grant access to exclusive online commercial content.

Bull

[0021] Bull describes a technology for establishing session keys using an authentication server, so that a chain of neighboring nodes in a computer network can communicate.

## **Anticipation Rejections**

[0022] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

### **Based upon Chung**

[0023] The Examiner rejects claims 1-5, 11-13, 25-26, 30-34, 40-42, 54-55, 59 and 66-68 under 35 U.S.C. § 102(e) as being anticipated by Chung. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

### **Independent Claim 1**

[0024] The Examiner indicates (Action, p. 3-4) the following with regard to this claim:

Chung teaches a method comprising:

establishing authentication information, said authentication information including time information associated with authenticating logic [par. [0079]; lines 5-12;

**“Signature or other biometric data should be captured substantially in “real time” with a reliable date/time stamp made part of the signature or other biometric data record along with the digitized signature or other biometric”; an authentication information includes signature or biometric plus time stamp];**

with first logic, establishing credential information [par. [0079]; **“Signature or other biometric data should be captured substantially in “real time” with a reliable date/time stamp made part of the signature or other biometric data record along with the digitized signature or other biometric”; establishing**

credential information is equivalent to "signature or other biometric data should be captured"); and

outputting an authentication request comprising said authentication information and said credential information, said authentication request being cryptographically modified [par. [0083], **"The digitized signature or other biometric and/or other data should be encrypted when transmitted over the Internet, e.g., utilizing 128-bit or greater encryption coding". An authentication information includes signature or biometric plus time stamp should be encrypted when transmitted over the internet].**

[0025] Applicant submits that Chung does not anticipate this claim because it does not show or disclose the following elements as recited in this claim (with emphasis added):

- *"with second logic that is operatively coupled to said first logic, **modifying said authentication request by including certificate information in a modified authentication request"***
- *"with said authenticating logic, outputting an authentication response comprising **authentication approval information and corresponding cryptography information"***

[0026] Chung discloses including a signature or biometric information in order to register a voter at a client terminal using a server and a network. The signature or biometric information is captured substantially in real time, with a reliable date/time stamp. Furthermore, Chung discloses that the signature or



biometric information is encrypted when transmitted over the network. However, Chung does not teach "modifying an authentication request" that has been cryptographically modified, "by including certificate information producing a modified authentication request" as specified in claim 1. Chung discloses that there is only one modification using encryption applied when transmitting the digitized signature or biometric data over the Internet, and that this encryption *should be used*.

[0027] Next, Chung does not teach "outputting an authentication response comprising authentication approval information and corresponding cryptography information" as specified in claim 1. Instead, the system of Chung compares the transmitted digitized signatures or biometric data with digitized signatures or biometric data stored in the voting records, and if they match the voting system approves and allows the updated transaction to be stored in the system. Chung merely authenticates the voter registration or transaction using the digitized signature or biometric data of the user at the server, so that the voting information can be updated. There is no response that includes an authentication approval generated as a result of the authentication request.

[0028] In short, Chung does not anticipate this claim because:

- Chung does not disclose *"modifying said authentication request by including certificate information in a modified authentication request."*

- Chung does not disclose “*outputting an authentication response comprising **authentication approval information and corresponding cryptography information.***”

[0029] Consequently, Chung does not disclose all of the claimed elements and features of this claim. Additionally, independent claims 30, 59, 66 and 68 include claimed elements as specified in the explanation above. Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

*Dependent Claims 2-3, 11-13, 25-26, 31-32, 40-42, 54-55 and 66-67*

[0030] These claims ultimately depend upon independent claims 1, 30, 59 and 66. As discussed above, claims 1, 30, 59 and 66 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Obviousness Rejections**

### **Based upon Chung and Stanko**

**[0031]** The Examiner rejects claims 6-10, 14, 19-22, 27, 35-39, 43, 48-51, 56, 60-63 and 65 under 35 U.S.C. § 103(a) as being unpatentable over Chung in view of Stanko. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0032]** In the amended set of claims, claims 7-10, 14, 19-22, 27, 36-39, 43, 48-51, 56, 61-63 and 65 ultimately depend upon independent claims 1, 30, 59 and 66. As discussed above, claims 1, 30, 59 and 66 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

### **Based upon Chung, Stanko and Goldstein**

**[0033]** The Examiner rejects claims 15-18, 44-47 and 64 under 35 U.S.C. § 103(a) as being unpatentable over Chung and Stanko in view of Goldstein. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0034]** Claims 15-18, 44-47 and 64 ultimately depend upon independent claims 1, 30, 59 and 66. As discussed above, claims 1, 30, 59 and 66 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Chung, Stanko and Howard**

[0035] The Examiner rejects claims 23-24 and 52-53 under 35 U.S.C. § 103(a) as being unpatentable over Chung and Stanko in view of Howard. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0036] In the amended set of claims, claims 24 and 53 ultimately depend upon independent claims 1, 30, 59 and 66. As discussed above, claims 1, 30, 59 and 66 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0037] In addition to the explanation given above with respect to claim 1, which specifies;

*"with second logic that is operatively coupled to said first logic, **modifying said authentication request by including certificate information in a modified authentication request**"*

[0038] The Examiner rejects dependent claim 23 (Office Action p. 22) citing that Howard teaches second logic that modifies an authentication request by including certificate information in a modified authentication request. (Howard, Para [0018]) However, the cited portion of Howard merely discloses using an encrypted certificate in order for an authentication server to authenticate a smart card inserted at a client device. Claim 23 has been canceled and the elements specified have been incorporated into independent claim 1. Thus, Howard in

combination with Chung and Stanko does not disclose "modifying an authentication request" that has been cryptographically modified, "by including certificate information producing a modified authentication request" as specified in claim 1.

**[0039]** As a result, the combination of Chung, Stanko and Howard does not teach all of the elements as specified in claim 1. The references, alone or in combination, to do not disclose the step of modifying, using certificate information, an authentication request that has already been cryptographically modified.

**Based upon Chung, Stanko and Bull**

**[0040]** The Examiner rejects claims 28-29 and 57-58 under 35 U.S.C. § 103(a) as being unpatentable over Chung and Stanko in view of Bull. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0041]** Claims 28-29 and 57-58 ultimately depend upon independent claims 1, 30, 59 and 66. As discussed above, claims 1, 30, 59 and 66 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**[0042]** As shown above, the Chung, Stanko, Goldstein, Howard and Bull references alone or in combination, do not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## **Conclusion**

[0043] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: November 27, 2007

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